

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS and LAWYERS FOR
CIVIL RIGHTS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, IMMIGRATION
AND CUSTOMS ENFORCEMENT,

Defendants.

C.A. No. 19-12564-MBB

PLAINTIFFS' STATUS REPORT

Plaintiffs met and conferred with Defendants on August, 7, 2020, in accordance with the Court's orders. Plaintiffs memorialized the results of that conference and certain resulting agreements in an email to Defendants, dated August 10, 2020. A copy of that email is attached hereto at Exhibit A. In summary:

I. WSO Request – No Outstanding Issues Except Production Timing

For the **WSO Request**, the parties have resolved all issues except the timing of the production. Defendants reported that the search for and collection of potentially responsive records is complete, that a partial production had been made, and that about 4,000 pages remained for processing or potential production. *See* Ex. A (Aug. 10, 2020 email from Plaintiffs' counsel to Defendants' counsel memorializing conference).

During the conference, Defendants represented that the volume of remaining potentially responsive documents would be significantly reduced if Plaintiffs excluded draft legal memoranda from Parts 1 and 5 of the Request, and proposed that Plaintiffs narrow the Request in that manner. Acting on this representation, Plaintiffs **agreed** to that narrowing in writing on August 10, 2020. *See* Ex. A (under “WSO Request”, bullet point 6).¹

Accordingly, there are no outstanding disputes regarding the scope of the WSO Request. Presumably the volume of potentially responsive records is now substantially less than 4,000 pages, given that Plaintiffs agreed to narrow Parts 1 and 5 as requested by ICE to reduce the page count.

Plaintiffs accordingly ask that the Court order Defendants to produce all remaining documents responsive to the WSO Request by no later than September 30, 2020.²

II. Gang Profiling Request – Parties Are Making Good Progress In Ongoing Negotiations.

For the **Gang Profiling Request**, the parties are engaged in ongoing, good faith negotiations. During the Conference, both Plaintiffs and Defendants agreed to gather and exchange additional information to further those negotiations. *See* Ex. A. That process is ongoing on both sides. Plaintiffs believe that the parties can make substantial additional progress in the next 30 days, and respectfully suggest that the Court order a further status report at that time.

¹ To the extent the Defendants’ status report asserts that Plaintiffs have not responded to this proposed narrowing, that assertion is not accurate. *See* Ex. A.

² September 30, 2020 is approximately one year after Plaintiffs first submitted the WSO Request to Defendants.

Date: August 18, 2020

Respectfully Submitted,

/s/ Lauren Godles Milgroom
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing will be filed through the electronic filing system of the Court, which system will serve counsel of record, on August 18, 2020.

/s/ Lauren Godles Milgroom
Lauren Godles Milgroom